

REMARKS

Summary of the Office Action

Claims 1-22 are pending.

Claims 1-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,508,834 to Pinchasik, et al.

Summary of Response

Applicants respectfully traverse the rejections of claims 1-22 under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 102(b)

It is axiomatic that a reference anticipates a claim only if the reference discloses each element of the claim, arranged as required by the claim, and described in the same detail as set forth in the claim. MPEP 2143. The rejection of claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Pinchasik is respectfully traversed, because the reference fails to disclose every elements of the subject claims.

Independent claims 1 and 12 recite, in part, a vascular prosthesis comprising "a radially self-expanding distal anchor..." That is, they each require that the anchor portion of the prosthesis is designed such that it expands by itself to engage a vessel wall when it is being deployed. See

[0032], [0047], and [0053]. In stark contrast to this required element of the claimed prosthesis, Pinchasik discloses a stent that is expanded to engage a vessel wall using a balloon. See column 2, lines 38-50 and column 4, lines 1-17.

Contrary to the statement at page 3, of the Office Action, it is respectfully submitted that the self-expandability of the anchor is a structural feature of the vascular prosthesis. For instance, the anchor is made of a shape-memory material that has different material properties than the low-memory materials used in the Pinchasik stent. See application [0032] and Pinchasik column 4, lines 4-8. In the compressed configuration the claimed anchor has internal stresses tending to expand the anchor, whereas the Pinchasik stent does not have such internal stresses. Moreover, the Pinchasik stent must be plastically deformed during deployment to reach its expanded size, whereas the claimed anchor is not plastically deformed. Thus, the characteristic of being self-expanding results in a prosthesis that is different than the stent disclosed by Pinchasik in structure, function, and use.

Independent claims 1 and 12 further recite that the vascular prosthesis comprises ... "a helical section comprising a plurality of turns." As used in the present application, a turn refers to a loop or wrap that travels completely around

the circumference of the helical section. The prosthesis of Fig. 1, for example, comprises multiple turns because it wraps around multiple times. See [0054] ("[d]uring proximal retraction of sheath 92, each subsequent turn unwinds one at a time"). In contrast, Pinchasik discloses that the helical structures in the stent do not wrap completely around the circumference. See Figs. 2a-c and 3a-c. Therefore, Pinchasik fails to disclose a helical section comprising a plurality of turns.

In view of the foregoing arguments, it is submitted that Pinchasik is distinguished by claims 1 and 12, as well as by claims 2-11 and 13-22 which depend therefrom. Accordingly, it is respectfully requested that the rejection of claims 1-22 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Conclusion

In view of the foregoing amendments and remarks, applicant submits that the application, including claims 1-22, is in condition for allowance. An early and favorable response is earnestly requested.

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Respectfully submitted,

/MJDeHaemerJr#39164/
Michael J. DeHaemer, Jr.
Reg. No. 39,164
Attorney for Applicant

LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 El Camino Real, Suite 200
San Diego, California 92130
Tel: (858) 720-6300
Fax: (858) 720-6306

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